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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,043	04/05/1999	ANDREA M. SCHNEITER	1634.001	4469

23405 7590 04/03/2002

HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY, NY 12203

EXAMINER

COLBERT, ELLA

ART UNIT

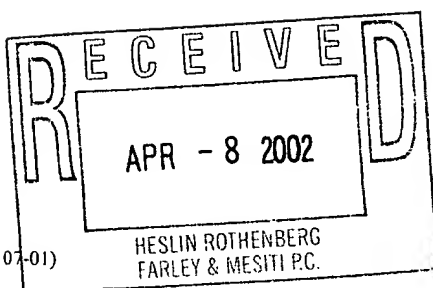
PAPER NUMBER

2172

DATE MAILED: 04/03/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.





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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/286043 04/05/99 ANDREA M. SCHNEITER 1634.001

EXAMINER
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E. COLBERT

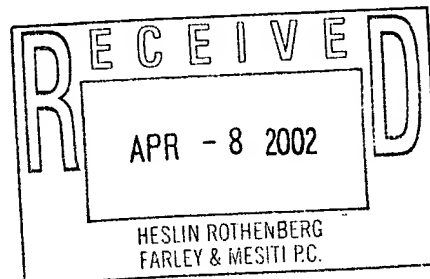
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Commissioner of Patents and Trademarks



***Response to Appellants' Reply Brief***

1. The Reply Brief filed 01/23/02 has been entered and considered.

In response to Appellants' argument no. 1: the Answer alleges there is no statement in the Answer alleges there is no statement in the Appeal Brief regarding related appeals and interferences and Appellants respectfully disagree. The statement was in error and should have read "The Brief does contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief."

In response to Appellants' argument no. 2: After a review of the Examiner's Answer, Appellants' found it interesting that the Examiner apparently refuses to detail what elements in Hogan et al. are cited against the various claim elements of the present application, instead simply citing to various sections of Hogan et al and leaving to the reader's imagination. This Examiner respectfully disagrees with this argument and considers it to be incorrect because the Examiner did detail the elements in Hogan et al that are cited against the various claim elements of the present application. In the Examiner's Answer, the Examiner pointed to and recited various sections in Hogan et al. that are interpreted as reading on Applicants' claim elements of the application.

In response to Appellants' argument no. 3: The second argument in the alternative with respect to claim 1 starts on page 5 of the Appeal Brief, the third full paragraph, Appellants' are not sure why the Examiner labels the second full paragraph as "Argument no. 2". The Examiner is making every effort to respond to each and every section of Appellants' arguments.

In response to Appellants' argument no. 4: The section of Hogan et al cited in the Office Action against claim 4 (i.e., column 4, lines 10-65) contains no disclosure regarding transferring a search from its second computer (i.e. the repository server) to its first computer (i.e., the repository client). There is no disclosure in the cited section of Hogan et al regarding a search agent from one computer to another. The Appellants' claim recites "wherein the search agent is transferred from the second computer to the first computer and runs at the first computer, ...". The claim limitations do not recite or disclose that "transferring a search from its second computer" is the repository server "to its first computer" the repository client. This claim is given the broadest reasonable interpretation by the Examiner. There is no mention or suggestion that the second computer is the repository server or that the first computer is the repository client nor is this in any of Appellants' claim limitations in claims 1-48. Claim limitations are not read from Appellants' Specification into the claim language.

In response to Appellants' argument no. 5: The words "seller" and "buyer" are never used in the cited section of Hogan et al (col. 5, line 58 to col. 6, line 26), which clearly speaks to ways that different personnel types within the same company can make use of the real-time embedded software modules. In Hogan et al teaches in col. 6, specifically lines 9-10 and lines 15-27 that the information database regards a seller and a buyer. This column and line numbers recite "... access to the contents of a Repository database," "... the Attributes that are applicable and meaningful to other organizations within a company, for example information such as cost, value, and related technology ..." (sellers) and "... the present invention includes capabilities that

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are applicable to an entire range of users from marketing, to business development, to accounting, among others" (buyers).

In response to Appellants' argument no. 6: Appellants' submit that no undue claim limitations need to be read into claim 12, as alleged in the Answer. Claim 12 recites that the Web site of the at least one entity has a particular format. The Examiner is reciting the Appellants' argument for claim 12 which recites "Claim 12 is directed to something different than in Hogan et al. because the "format" of claim 12 refers to the look and feel of the Web site. Appellants' claim 12 does not recite anything in the claim language relating to the look and feel of the Web site. Appellants' claim 12 recites "wherein the second computer provides access to a Web site of the at least one entity having a particular format, the method further comprising providing results of the search to the second computer in a format compatible with the particular format, enabling the second computer to provide a consistent experience on the Web site to a user of the first computer." Claim limitations are not read into Appellants' claims by the Examiner." The claim limitations of claim 12 do not recite or suggest that the "format" is the look and feel of the Web site.

In response to Appellants' argument no. 7: The Answer alleges at the top of page 11 that the cited section discloses "maintenance of the at least one entity." However, claim 15 recites that the at least one database is maintained by the at least one entity, and does not recite maintenance of the at least one entity. The Examiner in the Examiner's Answer is reciting what Appellants' argued on page 9 of Appellants' Appeal Brief filed 06/26/01. The Answer alleges at the top of page 9 and not at the top

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of page 11, Appellants' argument recites "Appellants' submit that there is no disclosure in the cited section of Hogan et al. regarding maintenance of the repository database, let alone maintenance by the at least one entity. Moreover, it would make no sense that the repository database is maintained by the database itself or a repository unit therein." The claim limitation recites or discloses nothing about "maintenance of the repository database." Therefore, Appellants' are reading claim limitations into the claim that do not exist and misinterpreting the Examiner's response to Appellants' argument for claim 15.

In response to Appellants' argument no. 8: The Answer is silent with regard to substantive remarks related to claim 16. The Examiner did not address the argument for claim 16 in the Examiner's Answer because in the rejection it is clear that Hogan et al. discloses a null criterion used for searching in col. 4, lines 20-34 (... the use of software attributes (null criterion used for searching) provide a description of real-time embedded software for future review ...". "... allow software to be characterized, searched by characteristics ...".

2. The Application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

### ***Inquiries***


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7249 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
E. Colbert  
March 28, 2002

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes **incorporated** therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.